

House Amendment 2104

PAG LIN

1 1 Amend the Senate amendment, H=1701, to House File
1 2 844, as passed by the House, as follows:
1 3 #1. Page 3, by inserting after line 19 the
1 4 following:
1 5 <#____. Page 6, by inserting after line 25 the
1 6 following:
1 7 <Sec. _____. NEW SECTION. 68A.401A ELECTRONIC
1 8 FILING.
1 9 Reports filed with the board pursuant to the
1 10 requirements of section 68A.401 shall be filed in an
1 11 electronic format if a candidate or committee accepts
1 12 contributions in excess of twenty thousand dollars in
1 13 the aggregate, makes expenditures in excess of twenty
1 14 thousand dollars in the aggregate, or incurs
1 15 indebtedness in excess of twenty thousand dollars in
1 16 the aggregate. The board shall establish a system to
1 17 verify the identity of the person filing the report.
1 18 Sec. _____. Section 68A.403, subsection 1, Code
1 19 2007, is amended to read as follows:
1 20 1. A Unless filed in an electronic format
1 21 according to section 68A.401A, a report or statement
1 22 required to be filed under this chapter shall be
1 23 signed by the person filing the report.
1 24 Sec. _____. Section 68A.603, Code 2007, is amended
1 25 to read as follows:
1 26 68A.603 RULES PROMULGATED.
1 27 The ethics and campaign disclosure board shall
1 28 administer the provisions of sections 68A.601 through
1 29 ~~68A.609, 68A.602, and 68A.604 through 68A.610 and~~
1 30 shall promulgate all necessary rules in accordance
1 31 with chapter 17A.
1 32 Sec. _____. NEW SECTION. 68A.610 CHECKOFF ==
1 33 INCOME TAX == VOTER=OWNED IOWA CLEAN ELECTIONS.
1 34 A person whose state income tax liability for any
1 35 taxable year is five dollars or more may direct that
1 36 five dollars of that liability be paid over to the
1 37 voter-owned Iowa clean elections fund, as established
1 38 in section 68A.823, when submitting the person's state
1 39 income tax return to the department of revenue. In
1 40 the case of a joint return of husband and wife having
1 41 a state income tax liability of ten dollars or more,
1 42 each spouse may direct that five dollars be paid to
1 43 the fund. The director of revenue shall provide space
1 44 for the voter-owned Iowa clean elections fund income
1 45 tax checkoff on the income tax form. An explanation
1 46 shall be included which clearly states that this
1 47 checkoff does not constitute an additional tax
1 48 liability. The action taken by a person for the
1 49 checkoff is irrevocable.
1 50 Sec. _____. NEW SECTION. 68A.801 DEFINITIONS.
2 1 For the purposes of this subchapter:
2 2 1. "Allowable contribution" means a qualifying
2 3 contribution or a seed money contribution.
2 4 2. "Board" means the Iowa ethics and campaign
2 5 disclosure board established under section 68B.32.
2 6 3. "Clean election qualifying period" means the
2 7 period during which candidates are permitted to
2 8 collect qualifying contributions in order to qualify
2 9 for clean money campaign funding. The period begins
2 10 ninety days before the beginning of the primary
2 11 election campaign period and ends thirty days before
2 12 the beginning of the primary election campaign period.
2 13 4. "Coordination" means a payment made for a
2 14 communication or anything of value that is for the
2 15 purpose of influencing the outcome of an election and
2 16 that is made by a person according to at least one of
2 17 the following:
2 18 a. In cooperation, consultation, or concert with,
2 19 at the request or suggestion of, or pursuant to, a
2 20 particular understanding with a candidate, a
2 21 candidate's committee, or an agent acting on behalf of
2 22 a candidate or candidate's committee.
2 23 b. For the dissemination, distribution, or
2 24 republication, in whole or in part, of any broadcast

2 25 or any written, graphic, or other form of campaign
2 26 material prepared by a candidate, a candidate's
2 27 committee, or an agent of a candidate or candidate's
2 28 committee.

2 29 c. Based on specific information about the
2 30 candidate's plans, projects, or needs provided to the
2 31 person making the payment by the candidate or the
2 32 candidate's agent who provides the information with a
2 33 view toward having the payment made.

2 34 d. If, in the same election cycle in which the
2 35 payment is made, the person making the payment is
2 36 serving or has served as a member, employee,
2 37 fundraiser, or agent of the candidate or candidate's
2 38 committee in an executive or policymaking position.

2 39 e. If the person making the payment has served in
2 40 any formal policy or advisory position with the
2 41 candidate's campaign or has participated in strategic
2 42 or policymaking discussions with the candidate's
2 43 campaign relating to the candidate's pursuit of
2 44 nomination for election, or election, to office, in
2 45 the same election cycle as the election cycle in which
2 46 the payment is made.

2 47 f. If the person making the payment retains the
2 48 professional services of an individual or person who,
2 49 in a nonministerial capacity, has provided or is
2 50 providing campaign-related services in the same
3 1 election cycle to a candidate who is pursuing the same
3 2 nomination or election as any of the candidates to
3 3 whom the communication refers. For purposes of this
3 4 section, "professional services" includes services in
3 5 support of a candidate's pursuit of nomination for
3 6 election or election to office such as polling, media
3 7 advice, direct mail, fundraising, or campaign research
3 8 services.

3 9 5. "Electioneering communication" means any
3 10 communication that refers to a clearly identified
3 11 candidate for elected public office, if the
3 12 communication has the effect of encouraging or
3 13 discouraging a vote for the candidate, regardless of
3 14 whether the communication expressly advocates a vote
3 15 for or against the candidate.

3 16 6. "Excess expenditure amount" means the amount of
3 17 money spent or obligated to be spent by a
3 18 nonparticipating candidate in excess of the clean
3 19 money amount available to a participating candidate
3 20 running for the same office.

3 21 7. "Express advocacy" means the same as defined in
3 22 section 68A.102.

3 23 8. "General election campaign period" means the
3 24 period beginning the day after the primary election
3 25 and ending on the day of the general election.

3 26 9. "Independent candidate" means a candidate who
3 27 does not represent a political party that has been
3 28 granted ballot status and that holds a primary
3 29 election to choose its nominee for the general
3 30 election.

3 31 10. "Independent expenditure" means an expenditure
3 32 made by a person or group of persons other than a
3 33 candidate or candidate's committee that meets both of
3 34 the following conditions:

3 35 a. The expenditure is made for a communication
3 36 that contains express advocacy.

3 37 b. The expenditure is made without the
3 38 participation or cooperation of and without
3 39 coordination with a candidate or a candidate's
3 40 committee.

3 41 11. "Nonparticipating candidate" means a candidate
3 42 who is on the ballot but has chosen not to apply for
3 43 clean election campaign funding, or a candidate who is
3 44 on the ballot and has applied for but has not
3 45 satisfied the requirements for receiving clean
3 46 election campaign funding.

3 47 12. "Participating candidate" means a candidate
3 48 who qualifies for clean election campaign funding.
3 49 Such candidates are eligible to receive clean election
3 50 campaign funding during primary or general election
4 1 campaign periods.

4 2 13. "Party candidate" means a candidate who
4 3 represents a political party as defined by section
4 4 43.2.

4 5 14. "Primary election campaign period" means the

4 6 period beginning ninety days before the primary
4 7 election and ending on the day of the primary
4 8 election.

4 9 15. "Qualifying contribution" means a contribution
4 10 of five dollars that is received during the designated
4 11 clean election qualifying period by a candidate
4 12 seeking to become eligible for clean election campaign
4 13 funding and that is acknowledged by a written receipt
4 14 identifying the contributor. However, if the annual
4 15 median household income of a legislative district is
4 16 at or below one hundred percent of the most recent
4 17 federal poverty guideline based on United States
4 18 census bureau data, the qualifying contribution is one
4 19 dollar.

4 20 16. "Seed money contribution" means a contribution
4 21 of no more than one hundred dollars made by an
4 22 individual adult during the seed money period, but
4 23 specifically excludes all of the following:

4 24 a. Payments by a membership organization for the
4 25 costs of communications to its members.

4 26 b. Payments by a membership organization for the
4 27 purpose of facilitating the making of qualifying
4 28 contributions.

4 29 c. The cash value of volunteer activity, including
4 30 the payment of incidental expenses of volunteers.

4 31 17. "Seed money period" means the period beginning
4 32 the day following the previous general election for
4 33 that office and ending on the last day of the clean
4 34 election qualifying period. This is the exploratory
4 35 period during which candidates who wish to become
4 36 eligible for clean election campaign funding for the
4 37 next elections are permitted to raise and spend a
4 38 limited amount of private seed money, from
4 39 contributions of up to one hundred dollars per
4 40 individual, for the purpose of determining whether to
4 41 become a candidate and fulfilling the clean election
4 42 eligibility requirements.

4 43 Sec. ____ NEW SECTION. 68A.802 ELIGIBILITY FOR
4 44 PARTY CANDIDATES.

4 45 1. A party candidate qualifies as a participating
4 46 candidate for the primary election campaign period if
4 47 the candidate does both of the following:

4 48 a. The candidate files a declaration with the
4 49 board that the candidate has complied and will comply
4 50 with all of the requirements of this subchapter,
5 1 including the requirement that during the seed money
5 2 period and the clean election qualifying period the
5 3 candidate not accept or spend private contributions
5 4 from any source other than seed money contributions
5 5 and clean election qualifying contributions, unless
5 6 the provisions of section 68A.804 apply.

5 7 b. The candidate meets both of the following
5 8 qualifying contribution requirements before the close
5 9 of the clean election qualifying period:

5 10 (1) A party candidate must collect both qualifying
5 11 contributions and signatures as follows:

5 12 (a) For the office of governor, from five hundred
5 13 registered voters in each congressional district.

5 14 (b) For statewide office other than governor, from
5 15 two hundred fifty registered voters in each
5 16 congressional district.

5 17 (c) For the Iowa senate, from two hundred
5 18 registered voters in the senate candidate's electoral
5 19 district.

5 20 (d) For the Iowa house of representatives, from
5 21 one hundred registered voters in the house candidate's
5 22 electoral district.

5 23 (2) Each qualifying contribution must meet all
5 24 requirements of this section.

5 25 2. Contributors shall be registered voters who
5 26 reside within the candidate's electoral district and
5 27 who are therefore eligible to vote for that candidate.

5 28 3. Qualifying contributions shall be:

5 29 a. Made in cash, check, money order, or credit or
5 30 debit card.

5 31 b. Gathered by the candidate personally or by
5 32 volunteers who do not receive compensation.

5 33 c. Acknowledged by a receipt to the contributor,
5 34 with a copy to be kept by the candidate and a third
5 35 copy to be submitted to the board. The receipt shall
5 36 include a signed statement that the contributor

5 37 understands that the purpose of the contribution is to
5 38 help the candidate qualify for campaign funding and
5 39 that the contribution is made without coercion or
5 40 reimbursement. The receipt shall include the
5 41 contributor's signature, printed name, home address,
5 42 and telephone number, and the name of the candidate on
5 43 whose behalf the contribution is made.

5 44 d. Turned over to the board for deposit in the
5 45 voter-owned Iowa clean elections fund established
5 46 under section 68A.823, with the signed and completed
5 47 receipt, according to a schedule and procedure to be
5 48 determined by the board. A contribution submitted as
5 49 a qualifying contribution that does not include the
5 50 signed and completed receipt shall not be counted as a
6 1 qualifying contribution.

6 2 4. A party candidate qualifies as a participating
6 3 candidate for the general election campaign period
6 4 when the candidate does both of the following:

6 5 a. The candidate has met all of the applicable
6 6 requirements of this subchapter and filed a
6 7 declaration with the board that the candidate has
6 8 fulfilled and will fulfill all of the requirements of
6 9 a participating candidate as stated in this
6 10 subchapter.

6 11 b. As a participating candidate during the primary
6 12 election campaign period, the candidate had the
6 13 highest number of votes of the candidates contesting
6 14 the primary election from the candidate's respective
6 15 party and won the party's nomination.

6 16 Sec. ____ NEW SECTION. 68A.803 ELIGIBILITY FOR
6 17 INDEPENDENT CANDIDATES.

6 18 1. An independent candidate qualifies as a
6 19 participating candidate for the primary election
6 20 campaign period if the candidate does both of the
6 21 following:

6 22 a. The candidate files a declaration with the
6 23 board that the candidate has complied and will comply
6 24 with all of the requirements of this subchapter,
6 25 including the requirement that during the seed money
6 26 period and the clean election qualifying period the
6 27 candidate not accept or spend private contributions
6 28 from any source other than seed money contributions
6 29 and clean election qualifying contributions, unless
6 30 the provisions of section 68A.804 apply.

6 31 b. The candidate meets the following qualifying
6 32 contribution requirements before the close of the
6 33 clean election qualifying period:

6 34 (1) An independent candidate shall collect the
6 35 same number of qualifying contributions as required of
6 36 a party candidate for the same office under section
6 37 68A.802.

6 38 (2) Each qualifying contribution must meet all
6 39 requirements of this section.

6 40 2. Contributors shall be registered voters who
6 41 reside within the candidate's electoral district and
6 42 who are therefore eligible to vote for that candidate.

6 43 3. Qualifying contributions shall be:

6 44 a. Made in cash, check, money order, or credit or
6 45 debit card.

6 46 b. Gathered by the candidate personally or by
6 47 volunteers who do not receive compensation.

6 48 c. Acknowledged by a receipt to the contributor,
6 49 with a copy to be kept by the candidate and a third
6 50 copy to be submitted to the board. The receipt shall

7 1 include a signed statement that the contributor
7 2 understands that the purpose of the contribution is to
7 3 help the candidate qualify for clean election campaign
7 4 funding and that the contribution is made without
7 5 coercion or reimbursement. The receipt shall include
7 6 the contributor's signature, printed name, home
7 7 address, and telephone number, and the name of the
7 8 candidate on whose behalf the contribution is made.

7 9 d. Turned over to the board for deposit in the
7 10 voter-owned Iowa clean elections fund established
7 11 under section 68A.823, with the signed and completed
7 12 receipt, according to a schedule and procedure to be
7 13 determined by the board. A contribution submitted as
7 14 a qualifying contribution that does not include the
7 15 signed and completed receipt shall not be counted as a
7 16 qualifying contribution.

7 17 4. An independent candidate qualifies as a

7 18 participating candidate for the general election
7 19 campaign period when the candidate does both of the
7 20 following:
7 21 a. If, prior to the primary election, the
7 22 candidate has met all of the applicable requirements
7 23 of this subchapter and filed a declaration with the
7 24 board that the candidate has fulfilled and will
7 25 fulfill all of the requirements of a participating
7 26 candidate as stated in this subchapter.
7 27 b. If, during the primary election campaign
7 28 period, the candidate has fulfilled all the
7 29 requirements of a participating candidate as stated in
7 30 this subchapter.

7 31 Sec. _____. NEW SECTION. 68A.804 TRANSITION RULE
7 32 FOR CURRENT ELECTION CYCLE.

7 33 During the election cycle in effect on the date of
7 34 enactment of this subchapter, a candidate may be
7 35 certified as a participating candidate,
7 36 notwithstanding the acceptance of contributions or
7 37 making of expenditures from private funds before the
7 38 date of enactment that would, absent this section,
7 39 disqualify the candidate as a participating candidate,
7 40 provided that any private funds accepted but not
7 41 expended before the date of enactment of this
7 42 subchapter shall either be returned to the contributor
7 43 or submitted to the board for deposit in the
7 44 voter-owned Iowa clean elections fund established
7 45 under section 68A.823.

7 46 Sec. _____. NEW SECTION. 68A.805 CONTINUING
7 47 OBLIGATION TO COMPLY.

7 48 A participating candidate who accepts any benefits
7 49 under section 68A.813 during the primary election
7 50 campaign period shall comply with all the requirements
8 1 of this subchapter through any remaining time during
8 2 the primary election campaign period as well as
8 3 through the general election campaign period whether
8 4 or not the candidate continues to accept benefits.

8 5 Sec. _____. NEW SECTION. 68A.806 CONTRIBUTIONS AND
8 6 EXPENDITURES.

8 7 1. During the primary and general election
8 8 campaign periods, a participating candidate who has
8 9 voluntarily agreed to participate in clean election
8 10 campaign financing shall not accept private
8 11 contributions from any source other than the
8 12 candidate's political party as specified in section
8 13 68A.808.

8 14 2. A person shall not make a contribution in
8 15 violation of section 68A.502. A participating
8 16 candidate who receives a qualifying contribution or a
8 17 seed money contribution that is not from the person
8 18 listed on the receipt as required by this subchapter
8 19 shall pay to the board for deposit in the voter-owned
8 20 Iowa clean elections fund established under section
8 21 68A.823 the entire amount of such contribution.

8 22 3. The board shall issue each participating
8 23 candidate a card known as the "clean election campaign
8 24 debit card", and a line of debit entitling the
8 25 candidate to draw clean election campaign funds to pay
8 26 for all campaign costs and expenses up to the amount
8 27 of funding the candidate has received. A
8 28 participating candidate shall not pay campaign costs
8 29 by cash, check, money order, loan, or by any other
8 30 financial means other than debit card. During the
8 31 primary and general election campaign periods, a
8 32 participating candidate shall pay by means of the
8 33 board's clean election campaign debit card.

8 34 4. Eligible candidates shall furnish complete
8 35 campaign records, including all records of seed money
8 36 contributions and qualifying contributions, to the
8 37 board at regular filing times, or on request by the
8 38 board. Candidates shall cooperate with any audit or
8 39 examination conducted or ordered by the board.

8 40 Sec. _____. NEW SECTION. 68A.807 NONPARTICIPATING
8 41 CANDIDATES == CONTRIBUTION LIMITS.

8 42 Nonparticipating candidates shall be subject to the
8 43 following contribution limits:

8 44 1. Candidates for statewide office:

8 45 a. One thousand dollars in the aggregate per
8 46 individual contribution.

8 47 b. Five thousand dollars in the aggregate per
8 48 political committee contribution.

8 49 2. Candidates for the Iowa senate and house of
8 50 representatives:
9 1 a. Five hundred dollars in the aggregate per
9 2 individual contribution.
9 3 b. One thousand dollars in the aggregate per
9 4 political committee contribution.
9 5 Sec. ____ NEW SECTION. 68A.808 POLITICAL PARTY
9 6 CONTRIBUTIONS AND EXPENDITURES.
9 7 1. Participating candidates may accept monetary or
9 8 in-kind contributions from political parties provided
9 9 that the aggregate amount of such contributions from
9 10 all political party committees combined does not
9 11 exceed the equivalent of five percent of the clean
9 12 election financing amount for that office.
9 13 2. In-kind contributions made during a general
9 14 election campaign period on behalf of a group of the
9 15 party's candidates shall not be considered a
9 16 prohibited party contribution or count against the
9 17 five percent limit established in subsection 1 if such
9 18 group includes at least fifty-one percent of the
9 19 candidates whose names will appear on the general
9 20 election ballot in the political subdivision
9 21 represented by the party committee making such in-kind
9 22 contributions.
9 23 3. Contributions made to, and expenditures made
9 24 by, political parties during primary and general
9 25 campaign periods shall be reported to the board on the
9 26 same basis as contributions and expenditures made to
9 27 or by candidates.
9 28 4. This section and this subchapter shall not
9 29 prevent political party funds from being used for any
9 30 of the following:
9 31 a. General operating expenses of the party.
9 32 b. Conventions.
9 33 c. Nominating and endorsing candidates.
9 34 d. Identifying, researching, and developing the
9 35 party's positions on issues.
9 36 e. Party platform activities.
9 37 f. Noncandidate-specific voter registration.
9 38 g. Noncandidate-specific get-out-the-vote drives.
9 39 h. Travel expenses for noncandidate party leaders
9 40 and staff.
9 41 i. Other noncandidate-specific party-building
9 42 activities, as defined by rule of the board.
9 43 j. Employing a staff person to provide election
9 44 services to two or more candidates.
9 45 Sec. ____ NEW SECTION. 68A.809 USE OF PERSONAL
9 46 FUNDS.
9 47 1. Personal funds contributed as seed money by a
9 48 candidate seeking to become eligible as a
9 49 participating candidate or by the candidate's spouse
9 50 shall not exceed one hundred dollars per contributor.
10 1 2. Personal funds shall not be used to meet the
10 2 qualifying contribution requirement except for one
10 3 five-dollar contribution from the candidate and one
10 4 five-dollar contribution from the candidate's spouse.
10 5 Sec. ____ NEW SECTION. 68A.810 SEED MONEY.
10 6 1. The only private contributions a candidate
10 7 seeking to become eligible for clean election campaign
10 8 funding shall accept, other than qualifying
10 9 contributions, are seed money contributions
10 10 contributed by individual adults prior to the end of
10 11 the clean election qualifying period.
10 12 2. A seed money contribution shall not exceed one
10 13 hundred dollars, and the aggregate amount of seed
10 14 money contributions accepted by a candidate seeking to
10 15 become eligible for clean money campaign funding shall
10 16 not exceed the relevant limit, as follows:
10 17 a. Twenty-five thousand dollars for a candidate
10 18 team running for governor and lieutenant governor.
10 19 b. Fifteen thousand dollars for a candidate
10 20 running for statewide office other than governor or
10 21 lieutenant governor.
10 22 c. Two thousand dollars for a candidate running
10 23 for the Iowa senate.
10 24 d. One thousand dollars for a candidate running
10 25 for the Iowa house of representatives.
10 26 3. Receipts for seed money contributions shall
10 27 include the contributor's signature, printed name,
10 28 street address and zip code, telephone number,
10 29 occupation, and name of employer. Contributions shall

10 30 not be accepted if the required disclosure information
10 31 is not received.

10 32 4. Seed money shall be spent only during the clean
10 33 election qualifying period. Seed money shall not be
10 34 spent during the primary or general election campaign
10 35 periods.

10 36 5. Within forty-eight hours after the close of the
10 37 clean election qualifying period, candidates seeking
10 38 to become eligible for clean election campaign funding
10 39 shall do both of the following:

10 40 a. Fully disclose all seed money contributions and
10 41 expenditures to the board.

10 42 b. Turn over to the board for deposit in the
10 43 voter-owned Iowa clean elections fund any seed money
10 44 the candidate has raised during the designated seed
10 45 money period that exceeds the aggregate seed money
10 46 limit.

10 47 Sec. ____ NEW SECTION. 68A.811 PARTICIPATION IN
10 48 DEBATES.

10 49 1. Participating candidates in contested races
10 50 shall participate in all of the following:

11 1 a. For the offices of governor and lieutenant
11 2 governor:

11 3 (1) One one-hour debate during a contested primary
11 4 election.

11 5 (2) Two one-hour debates during a contested
11 6 general election.

11 7 b. For all other offices:

11 8 (1) One one-hour debate during a contested primary
11 9 election.

11 10 (2) One one-hour debate during a contested general
11 11 election.

11 12 2. Nonparticipating candidates for the same office
11 13 whose names will appear on the ballot shall be invited
11 14 to join the debates.

11 15 Sec. ____ NEW SECTION. 68A.812 CERTIFICATION.

11 16 1. No more than five days after a candidate
11 17 applies for clean election campaign funding benefits,
11 18 the board shall certify that the candidate is or is
11 19 not eligible.

11 20 2. Eligibility can be revoked if the candidate
11 21 violates the requirements of this subchapter, in which
11 22 case all clean election campaign funds shall be
11 23 repaid.

11 24 3. The candidate's request for certification shall
11 25 be signed by the candidate and the treasurer of the
11 26 candidate's committee under penalty of perjury.

11 27 4. The board's determination is final except that
11 28 it is subject to examination and audit by an outside
11 29 agency according to rule and to prompt judicial review
11 30 according to rule and chapter 17A.

11 31 Sec. ____ NEW SECTION. 68A.813 BENEFITS PROVIDED
11 32 TO CANDIDATES ELIGIBLE TO RECEIVE CLEAN ELECTION
11 33 CAMPAIGN FUNDING.

11 34 1. Candidates who qualify for clean election
11 35 campaign funding for primary and general elections
11 36 shall receive all of the following:

11 37 a. Clean election campaign funding from the board
11 38 for each election, the amount of which is specified in
11 39 section 68A.815. This funding may be used to finance
11 40 any and all campaign expenses during the particular
11 41 campaign period for which it was received.

11 42 b. Additional clean election campaign funding to
11 43 match any excess expenditure amount spent by a
11 44 nonparticipating candidate, as specified in section
11 45 68A.817.

11 46 c. Additional clean election campaign funding to
11 47 match any independent expenditure made in opposition
11 48 to their candidacies or on behalf of their opponents'
11 49 candidacies, as specified in section 68A.819.

11 50 d. Additional clean election funding to match any
12 1 electioneering communication expenditure, as specified
12 2 in section 68A.820.

12 3 2. The maximum aggregate amount of additional
12 4 funding a participating candidate shall receive to
12 5 match independent expenditures and the excess
12 6 expenditures of nonparticipating candidates shall be
12 7 two hundred percent of the full amount of clean
12 8 election campaign funding allocated to a participating
12 9 candidate for a particular primary or general election
12 10 campaign period.

12 11 Sec. ____ NEW SECTION. 68A.814 SCHEDULE OF CLEAN
12 12 ELECTION CAMPAIGN FUNDING PAYMENTS.
12 13 1. An eligible candidate shall receive clean
12 14 election campaign funding for the primary election
12 15 campaign period on the date on which the board
12 16 certifies the candidate as a participating candidate.
12 17 This certification shall take place no later than five
12 18 days after the candidate has submitted the required
12 19 number of qualifying contributions and a declaration
12 20 stating that the candidate has complied with all other
12 21 requirements for eligibility as a participating
12 22 candidate, but no earlier than the beginning of the
12 23 primary election campaign period.
12 24 2. An eligible candidate shall receive clean
12 25 election campaign funding for the general election
12 26 campaign period within forty-eight hours after
12 27 certification of the primary election results.
12 28 Sec. ____ NEW SECTION. 68A.815 DETERMINATION OF
12 29 CLEAN ELECTION CAMPAIGN FUNDING AMOUNTS.
12 30 1. a. For party candidates, the amount of clean
12 31 election campaign funding for a contested primary
12 32 election is as follows:
12 33 (1) Seven hundred fifty thousand dollars for a
12 34 candidate team running for governor and lieutenant
12 35 governor.
12 36 (2) Seventy-five thousand dollars for a candidate
12 37 for statewide office other than governor and
12 38 lieutenant governor.
12 39 (3) Twenty-two thousand five hundred dollars for a
12 40 candidate running for the Iowa senate.
12 41 (4) Fifteen thousand dollars for a candidate
12 42 running for the Iowa house of representatives.
12 43 b. The clean election campaign funding amount for
12 44 an eligible party candidate in an uncontested primary
12 45 election is twenty-five percent of the amount provided
12 46 in a contested primary election.
12 47 c. In a contested general election, if an eligible
12 48 party candidate or all of the candidates of the
12 49 candidate's party combined received at least twenty
12 50 percent of the total number of votes cast for all
13 1 candidates seeking that office in the most recent
13 2 primary election or in the previous general election,
13 3 the candidate shall receive the full amount of clean
13 4 election campaign funding for the general election, as
13 5 follows:
13 6 (1) Three million dollars for a candidate team
13 7 running for governor and lieutenant governor.
13 8 (2) Two hundred thousand dollars for a candidate
13 9 for statewide office other than governor and
13 10 lieutenant governor.
13 11 (3) Forty thousand dollars for a candidate running
13 12 for the Iowa senate.
13 13 (4) Thirty thousand dollars for a candidate
13 14 running for the Iowa house of representatives.
13 15 d. The clean election campaign funding amount for
13 16 an eligible party candidate in an uncontested general
13 17 election is ten percent of the amount provided in a
13 18 contested general election for the same office.
13 19 2. a. For eligible independent candidates, the
13 20 clean election campaign funding amount for the primary
13 21 election campaign period is twenty-five percent of the
13 22 amount of clean election funding received by a party
13 23 candidate in a contested primary election for the same
13 24 office.
13 25 b. The clean election campaign funding amount for
13 26 an eligible independent candidate in the general
13 27 election is the same as the full amount received by a
13 28 party candidate in the general election for the same
13 29 office.
13 30 c. After the first cycle of clean election fund
13 31 elections, the board shall modify all clean election
13 32 campaign funding amounts based on the percentage
13 33 increase in the consumer price index, for all urban
13 34 consumers, United States city average, as published in
13 35 the federal register by the United States department
13 36 of labor, bureau of labor statistics, that reflects
13 37 the percentage increase in the consumer price index
13 38 for the twelve-month period ending December 31 of the
13 39 previous year.
13 40 Sec. ____ NEW SECTION. 68A.816 EXPENDITURES MADE
13 41 WITH CLEAN ELECTION CAMPAIGN FUNDS.

13 42 1. The clean election campaign funding received by
13 43 a participating candidate shall be used only for the
13 44 purpose of defraying that candidate's campaign-related
13 45 expenses during the particular election campaign
13 46 period for which the clean election campaign funding
13 47 was received.

13 48 2. Payments shall not be used for the following:
13 49 a. Payments that are in violation of the law.
13 50 b. Payments that repay any personal, family, or
14 1 business loans, expenditures, or debts.

14 2 Sec. ____ NEW SECTION. 68A.817 DISCLOSURE OF
14 3 EXCESS SPENDING BY NONPARTICIPATING CANDIDATES.

14 4 1. If a nonparticipating candidate's total
14 5 expenditures exceed the amount of clean election
14 6 campaign funding allocated to the candidate's clean
14 7 election opponent, the candidate shall declare to the
14 8 board within forty-eight hours every excess
14 9 expenditure amount that, in the aggregate, is more
14 10 than one thousand dollars.

14 11 2. During the last twenty days before the end of
14 12 the relevant campaign period, a nonparticipating
14 13 candidate shall declare to the board each excess
14 14 expenditure amount over five hundred dollars within
14 15 twenty-four hours of when the expenditure is made or
14 16 obligated to be made.

14 17 3. The board may make its own determination as to
14 18 whether excess expenditures have been made by
14 19 nonparticipating candidates.

14 20 4. Upon receiving an excess expenditure
14 21 declaration, the board shall immediately release
14 22 additional clean election campaign funding to the
14 23 opposing participating candidate or candidates equal
14 24 to the excess expenditure amount the nonparticipating
14 25 candidate has spent or intends to spend, subject to
14 26 the limit set forth in section 68A.813.

14 27 Sec. ____ NEW SECTION. 68A.818 CAMPAIGN
14 28 ADVERTISEMENTS.

14 29 All broadcast and print advertisements placed by
14 30 candidates or candidate's committees shall include a
14 31 clear written or spoken statement indicating that the
14 32 candidate has approved of the contents of the
14 33 advertisement.

14 34 Sec. ____ NEW SECTION. 68A.819 DISCLOSURE OF
14 35 INDEPENDENT EXPENDITURES == ADDITIONAL CLEAN ELECTION
14 36 CAMPAIGN FUNDING.

14 37 1. Any person or group of persons who makes or
14 38 obligates to make an independent expenditure during a
14 39 primary or general election campaign period which, in
14 40 the aggregate, exceeds one thousand dollars, shall
14 41 report each expenditure within forty-eight hours to
14 42 the board.

14 43 2. The report to the board shall include a
14 44 statement, under penalty of perjury, by the person or
14 45 persons making the independent expenditure identifying
14 46 the candidate whom the independent expenditure is
14 47 intended to help elect or defeat and affirming that
14 48 the expenditure is totally independent and involves no
14 49 coordination with a candidate or a political party.

14 50 a. An individual or organization may file a
15 1 complaint with the board if the candidate or the
15 2 organization believes that the statement according to
15 3 this subsection is false.

15 4 b. A hearing on a complaint under this subsection
15 5 shall be held within three business days of filing and
15 6 a decision issued within seven days of filing.

15 7 3. Any person or group of persons who makes or
15 8 obligates to make an independent expenditure during
15 9 the last twenty days before the end of the relevant
15 10 campaign period which, in the aggregate, exceeds five
15 11 hundred dollars, shall report each expenditure within
15 12 twenty-four hours to the board.

15 13 4. Upon receiving a report that an independent
15 14 expenditure has been made or obligated to be made, the
15 15 board shall immediately release additional clean
15 16 election funding, equal in amount to the cost of the
15 17 independent expenditure, to all participating
15 18 candidates whom the independent expenditure is
15 19 intended to oppose or defeat provided that the maximum
15 20 aggregate amount of additional funding a participating
15 21 candidate shall receive to match independent
15 22 expenditures and the excess expenditures of

15 23 nonparticipating candidates is no more than two
15 24 hundred percent of the full amount of clean election
15 25 funding allocated to a participating candidate in that
15 26 election.

15 27 Sec. _____. NEW SECTION. 68A.820 DEFINITION AND
15 28 DISCLOSURE OF ELECTIONEERING COMMUNICATIONS ==
15 29 ADDITIONAL CLEAN ELECTION CAMPAIGN FUNDING.

15 30 1. A person who makes or obligates to make a
15 31 disbursement to purchase an electioneering
15 32 communication shall file a report with the board not
15 33 later than forty-eight hours after making or
15 34 obligating to make the disbursement, containing the
15 35 following information:

15 36 a. The amount of the disbursement.
15 37 b. The name and address of the person making the
15 38 disbursement.

15 39 c. The purpose of the electioneering
15 40 communication.

15 41 2. Upon receiving a report that an electioneering
15 42 communication has been made or obligated to be made,
15 43 and upon determination that the electioneering
15 44 communication can reasonably be interpreted as having
15 45 the effect of promoting the defeat of a participating
15 46 candidate or the election of that candidate's
15 47 opponent, the board shall immediately release to that
15 48 candidate additional clean election funding, equal in
15 49 amount to the cost of the electioneering
15 50 communication.

16 1 Sec. _____. NEW SECTION. 68A.821 VOTER INFORMATION
16 2 PROGRAM.

16 3 1. The board shall establish and administer a
16 4 nonpartisan voter information program, including an
16 5 advisory council consisting of representatives of
16 6 nonprofit organizations, political parties, the media,
16 7 and interested citizens.

16 8 2. The voter information program advisory council
16 9 may establish a voter information program for the
16 10 purpose of providing voters with election-related
16 11 information and fostering political dialogue and
16 12 debate.

16 13 3. The voter information program advisory council
16 14 shall organize the publication and distribution of a
16 15 voter information guide that includes important
16 16 information about the following issues:

16 17 a. Candidates appearing on the ballot, including
16 18 biographical material submitted by the candidates.

16 19 b. Whether candidates are funding their campaigns
16 20 with public money or private money.

16 21 c. Policy statements by the candidates or their
16 22 political parties on issues designated by the council
16 23 and other issues.

16 24 d. Candidates' voting records.

16 25 Sec. _____. NEW SECTION. 68A.822 DEBATES.

16 26 1. A nonpartisan organization that is involved in
16 27 providing information to the public concerning
16 28 elections, or a nonpartisan organization that has been
16 29 involved in education and the advocacy of open, clean
16 30 election and campaign laws for at least five years,
16 31 may host and sponsor voter-owned Iowa clean election
16 32 candidate debates in contested primary and general
16 33 elections.

16 34 2. All participating candidates shall participate
16 35 in the debates and all nonparticipating candidates for
16 36 the same office whose names will appear on the ballot
16 37 shall be invited to join the debates.

16 38 Sec. _____. NEW SECTION. 68A.823 VOTER-OWNED IOWA
16 39 CLEAN ELECTIONS FUND (VOICE) == NATURE AND PURPOSES.

16 40 1. An voter-owned Iowa clean elections fund is
16 41 established as a separate fund within the office of
16 42 the state treasurer, under the control of the board,
16 43 for the following purposes:

16 44 a. Providing public financing for the election
16 45 campaigns of certified participating candidates during
16 46 primary election and general election campaign
16 47 periods.

16 48 b. Paying for the administrative and enforcement
16 49 costs of the board in relation to this subchapter.

16 50 2. The fund shall consist of moneys received
17 1 according to section 68A.824. Notwithstanding section
17 2 8.33, unencumbered or unobligated moneys and any
17 3 interest earned on moneys in the fund on June 30 of

17 4 any fiscal year shall not revert to the general fund
17 5 of the state but shall remain in the fund and be
17 6 available for expenditure in subsequent years.

17 7 Sec. _____. NEW SECTION. 68A.824 FUNDING.

17 8 In addition to any moneys appropriated by the
17 9 general assembly to the voter-owned Iowa clean
17 10 elections fund established in section 68A.823, the
17 11 following moneys shall be deposited in the fund:

17 12 1. The qualifying contributions required of
17 13 candidates seeking to become certified as
17 14 participating candidates according to section 68A.802
17 15 or 68A.803 and candidates' excess qualifying
17 16 contributions.

17 17 2. Moneys deposited with the fund pursuant to
17 18 section 68A.610 or section 556.18.

17 19 3. The excess seed money contributions of
17 20 candidates seeking to become certified as
17 21 participating candidates.

17 22 4. Moneys distributed to any participating
17 23 candidate who does not remain a candidate until the
17 24 primary or general election for which they were
17 25 distributed.

17 26 5. Civil penalties levied by the board against
17 27 candidates for violations of this subchapter.

17 28 6. Voluntary donations made directly to the fund.

17 29 7. Moneys from unclaimed or abandoned property in
17 30 the state's custody pursuant to chapter 556.

17 31 8. Any other sources of revenue designated by the
17 32 general assembly.

17 33 Sec. _____. NEW SECTION. 68A.825 POWERS AND
17 34 PROCEDURES.

17 35 The board shall have the following powers and
17 36 procedures, in addition to those granted in this
17 37 chapter and chapter 68B, when administering this
17 38 subchapter:

17 39 1. After every primary and general election, the
17 40 board may conduct random audits and investigations to
17 41 ensure compliance with this subchapter.

17 42 2. The subjects of audits and investigations shall
17 43 be selected on the basis of impartial criteria
17 44 established by a vote of at least four members of the
17 45 board.

17 46 3. The board may investigate anonymous complaints.

17 47 4. The identity of a complainant may be kept
17 48 confidential if the complainant states in the
17 49 complaint that revealing the identity of the
17 50 complainant could reasonably result in disciplinary
18 1 action or loss of employment.

18 2 5. The board may seek injunctions when all of the
18 3 following conditions are met:

18 4 a. There is a substantial likelihood that a
18 5 violation of this subchapter is occurring or is about
18 6 to occur.

18 7 b. The failure to act expeditiously will result in
18 8 irreparable harm to a party affected by the violation
18 9 or potential violation.

18 10 c. Expeditious action will not cause undue harm or
18 11 prejudice to the interests of others.

18 12 d. The public interest would be best served by the
18 13 issuance of an injunction.

18 14 6. The board may levy civil penalties for
18 15 violations of this subchapter. Civil penalties shall
18 16 be deposited in the voter-owned Iowa clean elections
18 17 fund.

18 18 7. The board shall refer criminal violations to
18 19 the county attorney or attorney general for
18 20 prosecution.

18 21 8. The board may participate fully in any actions
18 22 filed under this section.

18 23 9. The board shall adopt rules pursuant to chapter
18 24 17A as necessary to administer this subchapter.

18 25 Sec. _____. NEW SECTION. 68A.826 CIVIL ACTIONS.

18 26 1. A citizen who believes a candidate has violated
18 27 this subchapter may pursue a civil action in a court
18 28 of relevant jurisdiction, provided that both of the
18 29 following are true:

18 30 a. The citizen has previously filed a complaint
18 31 regarding the same alleged violation with the board.

18 32 b. The board has failed to make a determination
18 33 within thirty days of the filing of the complaint.

18 34 2. A complainant who prevails in a civil action

18 35 charging a violation of this subchapter shall be
18 36 entitled to receive reasonable attorney fees and court
18 37 costs from the defendant.

18 38 3. If a court in which a civil action has been
18 39 filed under subsection 1 finds that the complaint in
18 40 that action was made frivolously or without cause, the
18 41 court may require the complainant to pay the costs of
18 42 the board, the court, and the defendant parties.

18 43 Sec. ____ NEW SECTION. 68A.827 BOARD REPORTS.

18 44 1. The board shall report to the general assembly
18 45 after each election cycle.

18 46 2. The report shall include a detailed summary of
18 47 all seed money contributions, qualifying
18 48 contributions, and campaign funding benefits received,
18 49 and expenditures made, by all participating
18 50 candidates. The report shall also include a summary
19 1 and evaluation of the board's activities and
19 2 recommendations relating to the implementation,
19 3 administration, and enforcement of this subchapter.

19 4 Sec. ____ NEW SECTION. 68A.828 REPAYMENTS OF
19 5 EXCESS EXPENDITURES.

19 6 1. If a participating candidate spends or
19 7 obligates to spend more than the clean election
19 8 funding the candidate receives, and if such is
19 9 determined not to be an amount that had or could have
19 10 been expected to have a significant impact on the
19 11 outcome of the election, the candidate shall
19 12 personally repay to the voter-owned Iowa clean
19 13 elections fund an amount equal to the excess.

19 14 2. If a participating candidate spends or
19 15 obligates to spend more than the clean election
19 16 campaign funding the candidate receives, and if such
19 17 is determined to be an amount that had or could have
19 18 been expected to have a significant impact on the
19 19 outcome of the election, the candidate shall
19 20 personally repay to the voter-owned Iowa clean
19 21 elections fund an amount equal to five times the value
19 22 of the excess.

19 23 Sec. ____ NEW SECTION. 68A.829 PENALTIES.

19 24 1. A candidate shall not knowingly accept more
19 25 benefits than those to which the candidate is
19 26 entitled, spend more than the amount of clean election
19 27 campaign funding received, or misuse such campaign
19 28 funding benefits or clean election campaign funding.

19 29 2. If a violation of subsection 1 was intentional
19 30 and involved an amount that had or could have been
19 31 expected to have a significant impact on the outcome
19 32 of the election, the candidate commits an aggravated
19 33 misdemeanor.

19 34 3. If it is determined that the violation of
19 35 subsection 1 was intentional and involved an amount
19 36 that had or could have been expected to have a
19 37 significant impact on the outcome of the election, and
19 38 if, in the judgment of the board, the violation is
19 39 believed to have contributed to the violator winning
19 40 the election, the board may recommend to the
19 41 appropriate authority that proceedings be commenced to
19 42 remove the violator from office or to impeach the
19 43 violator if applicable.

19 44 4. A person shall not provide false information to
19 45 the board or conceal or withhold information from the
19 46 board. A violation of this subsection is an
19 47 aggravated misdemeanor.

19 48 5. Each city council, school board, and county
19 49 board of supervisors shall have the authority to adopt
19 50 and fund a voter-owned Iowa clean elections fund,
20 1 consistent with this section, for local government
20 2 elections.

20 3 Sec. ____ Section 422.7, Code 2007, is amended by
20 4 adding the following new subsection:

20 5 NEW SUBSECTION. 50. Subtract, to the extent not
20 6 otherwise excluded, up to two hundred dollars of the
20 7 amount contributed to the voter-owned Iowa clean
20 8 elections fund pursuant to section 68A.824, subsection
20 9 6.

20 10 Sec. ____ Section 422.12E, unnumbered paragraph 1,
20 11 Code 2007, is amended to read as follows:

20 12 For tax years beginning on or after January 1,
20 13 2004, there shall be allowed no more than four income
20 14 tax return checkoffs on each income tax return. When
20 15 the same four income tax return checkoffs have been

20 16 provided on the income tax return for two consecutive
 20 17 years, the two checkoffs for which the least amount
 20 18 has been contributed, in the aggregate for the first
 20 19 tax year and through March 15 of the second tax year,
 20 20 are repealed. This section does not apply to the
 20 21 income tax return ~~checkoff checkoffs~~ provided in
 20 22 ~~section sections 68A.601 and 68A.610.~~
 20 23 Sec. _____. NEW SECTION. 422.12K INCOME TAX
 20 24 CHECKOFF FOR VOTER=OWNED IOWA CLEAN ELECTIONS FUND.
 20 25 A person who files an individual or a joint income
 20 26 tax return with the department of revenue under
 20 27 section 422.13 may designate a contribution to the
 20 28 voter=owned Iowa clean elections fund authorized
 20 29 pursuant to section 68A.610.
 20 30 Sec. _____. Section 556.18, subsections 2 and 3,
 20 31 Code 2007, are amended to read as follows:
 20 32 2. Before making any deposit to the credit of the
 20 33 general funds, the state treasurer may deduct:
 20 34 a. Any costs in connection with sale of abandoned
 20 35 property.
 20 36 b. Any costs of mailing and publication in
 20 37 connection with any abandoned property.
 20 38 c. Reasonable service charges.
 20 39 d. Any costs in connection with information on
 20 40 outstanding state warrants addressed pursuant to
 20 41 section 556.2C.
 20 42 e. Ten million dollars to be deposited in the
 20 43 voter=owned Iowa clean elections fund established in
 20 44 section 68A.823.
 20 45 3. The treasurer of state shall annually credit
 20 46 all moneys received under section 556.4 to the general
 20 47 fund of the state. Moneys credited to the general
 20 48 fund of the state pursuant to this subsection are
 20 49 subject to the requirements of subsections 1 and 2 and
 20 50 section 8.60. However, if the amount collected under
 21 1 subsection 2, paragraph "e", does not equal ten
 21 2 million dollars, the treasurer of state shall annually
 21 3 pay over an amount received under section 556.4 as
 21 4 necessary to bring the amount deposited with the
 21 5 voter=owned Iowa clean elections fund to ten million
 21 6 dollars.
 21 7 Sec. _____. SEVERABILITY. The provisions of this
 21 8 Act are severable as provided in section 4.12.
 21 9 Sec. _____. EFFECTIVE DATES.
 21 10 1. The sections of this Act enacting sections
 21 11 68A.610 and 422.12K and amending sections 422.7 and
 21 12 556.18 are effective January 1, 2008.
 21 13 2. The remaining sections of this Act amending
 21 14 chapter 68A take effect November 3, 2010.
 21 15 Sec. _____. IMPLEMENTATION OF ACT. Section 25B.2,
 21 16 subsection 3, shall not apply to this Act.>>
 21 17 #2. Page 3, line 26, by inserting after the word
 21 18 <ballots> the following: <and providing for
 21 19 voter=owned Iowa clean elections, including an income
 21 20 tax checkoff and exemption, penalties, and effective
 21 21 dates>.
 21 22
 21 23
 21 24
 21 25 JACOBS of Polk
 21 26 HF 844.505 82
 21 27 sc/je/6381